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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,471	04/13/2001	Milton Silva-Craig	15-IS-5715	7327

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/22/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,471

Applicant(s)

SILVA-CRAIG ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-20, 23-36, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-20, 23-36, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 15 and 25 are amended, claims 9-10 and 21-22 are canceled, and claims 53-54 are newly added. Claims 1-8, 11-20, 23-36 and 53-54 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 15 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild et al. (US. Patent No. 6,678,703 B2).

Regarding on claims 1, Rothschild teaches a central medical data archiving system, said system comprising:

A medical data source providing medical data, where said medical data comprises at least one of a medical image, a medical patient report, and a medical application (a medical imaging system 10) (col. 18, lines 29-31);

A status monitor for controlling the transfer of said medical data from said data source to a centralized remote data store, where said status monitor monitors

operations occurring at at least one of said data source and centralized remote data store and triggers transfer of said medical data to said centralized remote data store based on said operations (the medical image centers track the entire process of image workstation (20) merely by reference to the local image workstation (20) located in their respective clinic or hospital) (col. 29, lines 12-16); and

A centralized remote medical data store receiving said medical data and storing said medical data, wherein said centralized remote medical data store comprises an application service provider (ASP delivery the medical image from the medical image system 10 to the central servers (30' and 30'') (col. 28, lines 32-67).

Although, Rothschild does not explicitly teach the status monitor for controlling the transfer of said medical data from said data source to a centralized remote data store. However, Rothschild discloses medical image center track the entire process of image delivery and review from the local image workstation (20) merely by reference to the local image workstation (20) located in their respective clinic or hospital. The medical image center is the status monitor. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Rothschild's system to include the medical image center to perform the same functionality as the claimed invention.

Regarding on claim 2, Rothschild teaches status monitor verifies said transfer of said medical data from said data source to said remote data store (col. 29, lines 16-29).

Regarding on claim 3, Rothschild teaches an access authenticator for authenticating access to said remote data store by said data source (login) (col. 22, line 29).

Regarding on claim 4, Rothschild teaches access authenticator authenticates access to said data source (login) (col. 22, line 29).

Regarding on claim 5, Rothschild teaches said data source further stores medical data (the local workstation stored medical image data) (col. 28, lines 41-48).

Regarding on claim 7, Rothschild teaches the remote data store stores a copy of said medical data (the central storage system (130) stores all electronic record (5) at two central back-up sites one at 30' and 30") (col. 28, lines 41-51).

Regarding on claim 8, Rothschild teaches a second data source for storing medical data, wherein said remote data store transfers said medical data to said second data source (the central data management system (30) actively "push" the electronic record (5) and associated images (6) to the remote image viewing system (40) of the radiologists and referring doctors as soon as the images are available) (col. 22, lines 24-28).

Regarding on claims 11-14, Rothschild teaches the automatically pushes to the medical images to the remote image viewer and the backup sites (col. 28, lines 59-62). Therefore, the system of Rothschild does not need to employ the time interval or event-based interval or a manual interval.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild et al. (US. Patent No. 6,678,703) in view of Xu et al. (US. Patent No. 6,675,271 B1).

Regarding on claim 6, Rothschild does not teach the remote data store further restores said medical data to said data source. However, Xu teaches "by using the foregoing techniques, security can be provided for image data and other medical data. The data can be quickly and conveniently restored in the event of failure, during servicing and during archive or medium replacement" (col. 1, lines 29-32). This teaches the restore is done in the event of failures. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Rothschild's system to include the restore in the event of failure as taught in Xu in order to restore the original files back to the system.

5. Claims 15-20, 24-34 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild et al. (US. Patent No. 6,678,703 B2) in view of Parvulescu et al. (US. Patent No. 6,678,764 B2).

Regarding on claim 15, Rothschild teaches a system for remotely accessing a centralized data store, said system comprising:

A centralized remote data store storing medical data indexed according to data source, wherein said medical data comprises at least one of a medical image, a medical report, and a medical application, wherein said centralized remote data store comprises an application service provider (the central data management system stores the

information from the automated forms of entry to the record via the respective local image workstation (20)) (col. 22, lines 25-67);

A status monitor for controlling the transfer of said medical data from said centralized remote data store to a data source, wherein said status monitor monitors actions occurring at data source and controls said centralized remote data store and said data source to transfer said medical data from said centralized remote data store to said data source based on trigger, wherein said trigger is based on an action occurring at said data source (The central data management system (30) actively "push" the electronic record (5) and associated images (6) to the remote image viewing system (40) of the radiologists and referring doctors as soon as the images are available) (col. 22, lines 24-28); and

A data source receiving said medical data and storing said medical data (each of the location s where the image needed, the remote image viewing station (40) would be running and available at all times on the Internet in order to achieve immediate "push" delivery of the image as soon as they become available) (col. 22, lines 33-39).

Rothschild teaches the centralized data management system received and stored in the central database (30' and 30"). However, Rothschild does not teach the medical data stored in the centralized remote data store, is indexed. On the other hand, Parvulescu teaches the medical image processing system (title) which allows the stored images are indexes via a predictable syntax, whether the user enters specific information via a keyboard or handheld terminal 212 (e.g., patient and doctor names), or uses the image archiving device 100 without the keyword or terminal 212) (col. 4, lines

51-56). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Rothschild's system to include the indexing the medical images as taught in Parvelescu in order to ease future management and retrieval of image.

Regarding on claim 16, Rothschild teaches a second data source storing medical data (a remote user) (col. 22, lines 35-40).

Regarding on claim 17, Rothschild teaches the status monitor controls the transfer of said copy of said medical data between said remote data store and said second data source (location identified) (col. 22, lines 35-40).

Regarding on claim 18, Rothschild teaches the status monitor verifies the transfer of said copy of said medical data between said remote data store and said second data source (it also assures prompt delivery of a report from the remote user and back through the ASP system to other location identified) (col. 22, lines 38-40).

Regarding on claim 19, Rothschild teaches an access authenticator for authenticating access to said remote data store (login) (col. 22, lines 28-30).

Regarding on claim 20, Rothschild teaches the status monitor verifies said transfer of said medical data between data source and said remote data store (it also assures prompt delivery of a report from the remote user and back through the ASP system to other location identified) (col. 22, lines 38-40).

Regarding on claim 24, Rothschild does not explicitly teach the remote data store comprises at least one directory corresponding to said data source. However,

Parvulescu teaches "so, if Doctor Gooden is performing the procedures on patient John Doe, then the captured images are stored in a folder called "Gooden", with each file in the folder incorporating a standard syntax including patient's name, image number, hospital/practice name, time & date, and procedure information as described above" (col. 9, lines 23-28). This teaches the captured images of the treated patient are organized in the memory as the folder or directory. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the Rothschild's system to include the captured images data to store in the folder or directory in order to easily retrieve the file the in the organized database.

Regarding on claim 25, Rothschild teaches a method for remotely archive data said method comprising:

Detecting an operation involving medical data executed at a medical data source (soon as the record input to a local image work station, the database management automatically pushes the electronic records and associated images to the remote image viewing system) (col. 22, lines 24-67);

Transferring said medical data from said medical data source to a centralized remote data store based on a trigger, wherein said trigger is produced based on said operation executed at said data source, wherein said medical data comprises at least one of a medical image, a medical report, and a medical application (the medical image of the patient is automatically pushed to the remote image viewing as soon as record inputted) (col. 22, lines 24-67);

Storing said medical data at said centralized remote data store (a central storage system (130) associated with central data management system (30) stores all electronic records (5) at two central back-up site (30', 30") (col. 28, lines 59-62); and

Rothschild teaches storing the medical data into the central backup site (30' and 30") excepting for indexing said medical data according to said data source. However, Parvulescu teaches, "in accordance with a preferred embodiment, the stored images are indexes via a predictable syntax" (col. 4, lines 51-60). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Rothschild's system to include the indexing the medical images as taught in Parvelescu in order to ease future management and retrieval of image.

Regarding on claim 26, Rothschild teaches the step of obtaining said medical data (col. 22, lines 66-67).

Regarding on claim 27, Rothschild teaches the step of storing said medical data at said data source (stored at the workstation) (col. 22, lines 46-48).

Regarding on claim 28, teaches storing step further comprises storing said medical data at said remote data store in a directory in a directory corresponding to said data source.

Regarding on claim 29, teaches transferring step further comprises verifying said transfer of medical data from said remote data store to said data source (col. 32, lines 35-39).

Regarding on claim 30, Rothschild teaches authenticating access to said remote data store (login) (col. 22, line 29).

Regarding on claims 31-34, Rothschild teaches the automatically pushes to the medical images to the remote image viewer and the backup sites (col. 28, lines 59-62). Therefore, the system of Rothschild does not need to employ the time interval or event-based interval or a manual interval.

Regarding on claim 53, Rothschild teaches a dedicated network connection for transferring said medical data between said medical data source and said centralized remote medical data store (col. 19, lines 36-39).

Regarding on claim 54, Rothschild teaches a private network connection for transferring said medical data between said data source and said centralized remote data store (non publish accessed) (col. 19, lines 36-39).

6. Claims 23 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild et al. (US. Patent No. 6,678,703 B2) in view of Parvulescu et al. (US. Patent No. 6,678,764 B2) and further in view of Xu et al. (US. Patent No. 6,675,271 B1).

Regarding on claims 23 and 35-36, Rothschild does not explicitly teach the remote data store restores said medical data at said data source. However, Xu teaches "by using the foregoing techniques, security can be provided for image data and other medical data. The data can be quickly and conveniently restored in the event of failure, during servicing and during archive or medium replacement" (col. 1, lines 29-32). This teaches the restore is done in the event of failures. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify

Rothschild's system to include the restore in the event of failure as taught in Xu in order to restore the original files back to the system.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
September 15, 2004



JEAN M. CORRIELUS
PRIMARY EXAMINER